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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,129	03/16/2001	Kingsum Chow	42390P10466	6517

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EXAMINER	
BLAIR, DOUGLAS B	
ART UNIT	**PAPER NUMBER**
2142	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/811,129	CHOW ET AL.	
	Examiner	Art Unit	
	Douglas B. Blair	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 December 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413) Paper No(s)/Mail Date. *20051017*.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Claims 1-43 are currently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 6, 14-15, 17-18, 20-21, 23, 31-32, 34-35, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,269,392 to Cotichini et al..

4. As to claim 18, Cotichini teaches an apparatus for geographic location determination based at least in part on inspection of a network address of a client comprising a readable medium having instructions encoded thereon for execution by a processor, said instructions capable of directing the processor to perform: performing a trace route between a server and the address of the client (col. 8, line 58-col. 9, line 7), the trace route identifying at least one domain name in a route between the server and the client (col. 11, lines 3-25); identifying a construction format for the domain name (col. 11, lines 3-25); identifying a geographically significant component of the domain name (col. 11, lines 3-25); and determining a geographic location for the domain name based at least in part on the geographically significant component (col. 11, lines 3-25).

5. As to claim 20, Cotichini teaches the apparatus of claim 18, said instructions including further instructions capable of directing the processor to perform: validating said determined geographic location by performing at least one alternate geographic determination for the network address (col. 11, lines 3-25).

6. As to claim 21, Cotichini teaches the apparatus of claim 20, said instructions including further instructions capable of directing the processor to perform: determining more than one geographical location for the network address (col. 11, lines 3-25); and ranking said determined geographic locations in accordance with he number of alternate geographic location determinations consistent with said determined geographic locations (col. 11, lines 3-25).

7. As to claim 23, Cotichini teaches the apparatus of claim 18, wherein said performing the trace route is performed from the server to the client (col. 11, lines 3-25).

8. As to claims 1, 3-4, and 6, they feature the same limitations as claims 18, 20-21, and 23 and are rejected for the same reasons as claims 18, 20-21, and 23.

9. As to claim 35, it features the same limitations as claim 18 and is rejected for the same reasons as claim 18.

10. As to claim 31, Cotichini teaches an apparatus for determining a geographic location comprising a readable medium having instructions encoded thereon for execution by a processor, said instructions capable of directing the processor to perform: creating a log comprising network addresses of clients that have communicated with a web server (col. 11, lines 3-25); filtering the log so as to remove undesirable network addresses; asynchronously performing a trace route between a first one of said filtered network addresses and the server (col. 11, lines 3-25); analyzing a result of said asynchronous performed trace route (col. 11, lines 3-25); and

determining a geographic location for said first one responsive to said analyzing (col. 11, lines 3-25).

11. As to claim 32, Cotichini teaches the apparatus of claim 31, said instructions including further instructions capable of directing the processor to perform: generating a report comprising geographic locations for clients that have communicated with the web server (col. 11, lines 3-25).

12. As to claim 34, Cotichini teaches the apparatus of claim 32, wherein undesirable network addresses comprise addresses already having a known geographic location (col. 11, lines 3-25).

13. As to claims 14-15 and 17, they feature the same limitations as claims 31-32 and 34 and are rejected for the same reasons as claims 31-32 and 34.

14. As to claims 41-42, they feature the same limitations as claims 31-32 and are rejected for the same reasons as claims 31-32.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims 2, 5, 8-13, 16, 19, 22, 25-30, 33, 36-40, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,392 to Cotichini et al. in view of U.S. Patent Number 6,151,631, to Ansell et al..

17. As to claim 19, Cotichini teaches the apparatus of claim 18, however Cotichini does not explicitly teach the analysis of domain names associated with a network access provider so as to identify the construction formats for the domain names.

Andsell teaches analyzing domain names associated with a network access provider so as to identify the construction formats for said domain names (col. 13, line 64-col. 14, line 63); identifying geographically significant components of said construction components (col. 13, line 64-col. 14, line 63); and storing cross-references between said geographically significant components and geographic locations in a storage (col. 13, line 64-col. 14, line 63).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Cotichini regarding the use of trace route to locate hosts with the teachings of Andsell regarding the parsing of domain names because Andsell suggests that trace route can be used to find domain names (Andsell, col. 2, line 61-col. 3, line 3).

18. As to claims 2 and 36, they feature the same limitations as claim 19 and are rejected for the same reasons as claim 19.

19. As to claim 22, Cotichini teaches the apparatus of claim 18, however Cotichini does not explicitly teach the use of regular expressions to identify geographically significant portions of a domain name.

Andsell teaches providing a regular expression corresponding to the construction format of a domain name; matching the regular expression against the domain name (col. 13, line 64-col. 14, line 63); and identifying a geographically significant portion of the regular expression so

as to facilitate said identifying the geographically significant component of the domain name (col. 13, line 64-col. 14, line 63).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Cotichini regarding the use of trace route to locate hosts with the teachings of Andsell regarding the parsing of domain names because Andsell suggests that trace route can be used to find domain names (Andsell, col. 2, line 61-col. 3, line 3).

20. As to claim 5, it features the same limitations as claim 22 and is rejected for the same reasons as claim 22.

21. As to claim 25, Cotichini teaches an apparatus for determining a geographic location for a network address comprising a readable medium having instructions encoded thereon for execution by a processor, said instructions capable of directing the processor to perform: receiving a trace route comprising first and second network host identifiers for hosts disposed between a server and client on a network (col. 11, lines 3-25); and identifying an estimated geographic location for the client (col. 11, lines 3-25); however, Cotichini does not explicitly teach matching a host identifier against a first template and parsing the identifier according to a template.

Andsell teaches matching a first network host identifier to a first template (col. 13, line 64-col. 14, line 63); parsing the first network host identifier according to the first template (col. 13, line 64-col. 14, line 63); and identifying an estimated geographic location for the client based at least in part on the first parsing (col. 13, line 64-col. 14, line 63).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Cotichini regarding the use of trace route to locate hosts with the teachings of Andsell regarding the parsing of domain names because Andsell suggests that trace route can be used to find domain names (Andsell, col. 2, line 61-col. 3, line 3).

22. As to claim 26, Andsell teaches instructions including further instructions capable of directing the processor to perform: matching the second network host identifier to a second template (col. 13, line 64-col. 14, line 63); second parsing the second network host identifier according to the second template (col. 13, line 64-col. 14, line 63); and revising said estimated geographic location based at least in part on said first parsing (col. 13, line 64-col. 14, line 63).

23. As to claim 27, Andsell teaches instructions including further instructions capable of directing the processor to perform: revising said estimated geographic location based at least in part on a client profile associated with the client (col. 13, line 64-col. 14, line 63).

24. As to claim 28, Andsell teaches instructions including further instructions capable of directing the processor to perform: said client contacting the server with the web browser, said browser providing the client profile to the server (col. 13, line 64-col. 14, line 63).

25. As to claim 29, Andsell teaches wherein the client profile is based at least in part on a customer database identifying the client (col. 13, line 64-col. 14, line 63).

26. As to claim 30, Andsell teaches wherein the client profile is based at least in part on a mass-marketing database identifying the client (col. 13, line 64-col. 14, line 63).

27. As to claims 8-13, they feature the same limitations as claims 25-30 and are rejected for the same reasons as claims 25-30.

28. As to claims 38-40, they feature the same limitations as claims 25-27 and are rejected for the same reasons as claims 25-27.

29. As to claim 33, Cotochini teaches the apparatus of claim 31, however Cotochini does not explicitly teach the use of a template.

Andsell teaches matching a domain name against a template identifying geographically significant portions of network addresses formatted in compliance with the template (col. 13, line 64-col. 14, line 63).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Cotichini regarding the use of trace route to locate hosts with the teachings of Andsell regarding the parsing of domain names because Andsell suggests that trace route can be used to find domain names (Andsell, col. 2, line 61-col. 3, line 3).

30. As to claims 16 and 43, they feature the same limitations as claim 33 and are rejected for the same reasons as claim 33.

31. Claims 7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,269,392 to Cotichini et al. in view of U.S. Patent Number 6,244,758 to Solymar et al..

32. As to claim 24, Cotichini teaches the apparatus of claim 18, however Cotichini does not explicitly teach performing a trace route from the client to the server.

Solymar teaches performing a trace route from a client to server (col. 10, lines 22-43).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Cotichini regarding the use of trace route to

locate hosts with the teachings of Solymar for performing a trace route from a client to a server because such a trace route shows how a client connects to a host (Solymar, col. 10, lines 22-43).

33. As to claim 7, it features the same limitations as claim 24 and is rejected for the same reasons as claim 24.

Response to Arguments

34. Applicant's arguments filed 12/9/2004 have been fully considered but they are not persuasive. The applicant argues the following points: a) It is submitted Cotichini's described "DNS" operations relied on by the Office do not and cannot teach the recited tracing a route as suggested by the Office; b) There is no teaching or suggestion in Cotichini of performing the recited "identifying a geographically significant component of the domain name"; c) Cotichini does not teach asynchronous traceroutes as in claim 14.

35. As to point a), the cited portion of Cotichini explicitly mentions the use of traceroute programs so it is unclear as to why the applicant is under the impression that DNS is being equated to traceroute.

36. As to point b), the cited portion of Cotichini teaches identification of geographically significant components of a domain name giving the domain name for the university of California at Berkley as an example.

37. As to point c), the Cotichini reference teaches the concept of asynchronous tracerouting in as much as the applicant's specification does at page 9, lines 9-11.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Caldwell

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Douglas Blair
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